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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 OSCAR LEE OLIVE, IV,

9 Plaintiff,

10 v.

11 HAYLEY MARIE ROBINSON, JUSTUS  
12 KEPEL,

13 Defendants.

CASE NO. 2:18-cv- 00862-BAT

**ORDER STAYING CASE AS TO  
DEFENDANT ROBINSON ONLY**

14 On June 6, 2019, Plaintiff filed a motion requesting the Court impose sanctions against  
15 both Defendants for their failure to comply with the Court's order granting plaintiff's motion to  
16 compel discovery. Dkt. 47. Defendants failed to comply with the Court's order and on June 7,  
17 2019, the Court ordered both Defendants to show cause, by June 17, 2019, why sanctions  
18 including entry of default should not be ordered. Dkt. 48. Both Defendants failed to respond to  
19 the Court's show cause order and the Court consequently granted Plaintiff's motion for  
20 sanctions, on June 18, 2019. Dkt. 49.

21 After the Court granted Plaintiff's motion for sanctions, an attorney stating he  
22 represented Defendant Hayley Marie Robinson in a bankruptcy proceeding called the Clerk of  
23 Court. This attorney indicated he had served Plaintiff, herein, with notice of Defendant  
Robinson's bankruptcy. A review of the Bankruptcy Court's records shows that on May 7, 2019,  
Defendant Hayley Marie Robinson filed a Chapter 7 Voluntary Petition for Bankruptcy in the

1 United States Bankruptcy Court for the Western District of Washington (Case No. 19-11724-  
2 MLB).

3 The Court thus ordered Plaintiff to file a status report. Dkt. 50. Plaintiff filed a status  
4 report and averred that neither defendant had complied with the Court's order to provide  
5 discovery and pay plaintiff \$500.00 for violating the Court's discovery order. Plaintiff also  
6 indicated that on June 25, 2019, the Chapter Seven Trustee informed him that Defendant  
7 Robinson had filed for Chapter 7 bankruptcy. *Id.*

8 Both Plaintiff and Defendant Robinson have an affirmative duty to inform this Court of  
9 matters that directly affect the lawsuit before the Court. Clearly, both Plaintiff and Defendant  
10 Robinson knew, or should have known, a bankruptcy proceeding can have a direct impact on the  
11 civil lawsuit before this Court. But despite this, the Court was not informed until after the Court  
12 imposed sanctions on Defendant Robinson that she had filed for bankruptcy. Because Defendant  
13 Robinson's bankruptcy proceedings imposes an automatic statutory stay as to her, alone, the  
14 Court **ORDERS:**

15 1. This case is **STAYED** as to Defendant Robinson **only**, pending resolution of her  
16 bankruptcy proceedings. All pending deadlines and the Court's order of sanctions (Dkt. 49) are  
17 stayed as to Defendant Robinson **only**. Due to the projected length of the bankruptcy  
18 proceedings, the Court strikes the current trial date of August 5, 2019. The stay is inapplicable to  
19 Defendant Kepel, and the Court's order for sanctions against him stands.

20 2. Plaintiff and Defendant Robinson are **ORDERED** to file a joint status report on  
21 the progress of Defendant's bankruptcy proceedings every **120 days** from the date of this Order.  
22 If the bankruptcy proceedings are terminated or concluded at an intervening time between each  
23 120 day reporting period, Plaintiff and Defendant Robinson shall immediately submit a status

1 report.

2 3. The Clerk shall send a copy of this Order to all parties and counsel of record, and  
3 to the Bankruptcy Judge who is presiding over Defendant Robinson's Bankruptcy proceeding.

4 DATED this 27th day of June, 2019.

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7 BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge